

AMENDED IN SENATE JUNE 28, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2012**

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**Introduced by Assembly Members Bigelow, Wilk, Cooper, and  
Jones-Sawyer  
(Principal coauthor: Assembly Member Hadley)  
(Coauthor: Assembly Member Santiago)**

February 16, 2016

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An act to amend Sections 4327, 4497.50, and 4497.52 of, to amend the heading of Chapter 2.5 (commencing with Section 4325) of Title 4 of Part 3 of, to repeal Sections 4326 and 4329 of, and to repeal and add Section 4325 of, the Penal Code, relating to jails.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2012, as amended, Bigelow. Jail Industry Authority.

Existing law authorizes the board of supervisors in specified counties, as part of a pilot jail industry program not to exceed 4 years, to establish, with the concurrence of the county sheriff, a Jail Industry Commission for that county. Existing law also requires the county board of supervisors, upon the establishment of a commission, to create a Jail Industries Fund, as specified, which may be used to fund specified purposes. Existing law specifies the composition of these commissions.

This bill would repeal the authorization to create a Jail Industry Commission as a pilot program, and would instead authorize the board of supervisors of the Counties of Los Angeles, Sacramento, San Diego, San Joaquin, *San Luis Obispo*, Sonoma, Stanislaus, Tulare, Tuolumne,

and Ventura to authorize the county sheriff or county director of corrections to create a Jail Industry Authority, as specified. The bill would also make conforming changes.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Los Angeles, Sacramento, San Diego, San Joaquin, *San Luis Obispo*, Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Chapter 2.5 (commencing with  
2 Section 4325) of Title 4 of Part 3 of the Penal Code is amended  
3 to read:

4  
5 CHAPTER 2.5. JAIL INDUSTRY AUTHORITY  
6

7 SEC. 2. Section 4325 of the Penal Code is repealed.

8 SEC. 3. Section 4325 is added to the Penal Code, to read:

9 4325. (a) The board of supervisors of the Counties of Los  
10 Angeles, Sacramento, San Diego, San Joaquin, *San Luis Obispo*,  
11 Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura may authorize,  
12 by ordinance or resolution, the sheriff or county director of  
13 corrections to create a Jail Industry Authority within the county  
14 jail system.

15 (b) The purpose of the Jail Industry Authority includes all of  
16 the following:

17 (1) To develop and operate industrial, agricultural, or service  
18 enterprises or programs employing prisoners in county correctional  
19 facilities under the jurisdiction of the sheriff or county director of  
20 corrections.

21 (2) To create and maintain working conditions within the  
22 enterprises or programs as similar as possible to those that prevail  
23 in private industry.

24 (3) To ensure prisoners have the opportunity to work  
25 productively and earn funds, if approved by the board of  
26 supervisors pursuant to Section 4019.3, and to acquire or improve  
27 effective work habits and occupational skills.

1 (4) To allow inmates who participate in the enterprise or  
2 program the opportunity to earn additional time credits allowed  
3 under Section 4019.1 or 4019.4, if authorized by the sheriff or  
4 county director of corrections.

5 SEC. 4. Section 4326 of the Penal Code is repealed.

6 SEC. 5. Section 4327 of the Penal Code is amended to read:

7 4327. Upon the establishment of the Jail Industry Program or  
8 Jail Industry Authority, the board of supervisors shall establish a  
9 Jail Industries Fund, which may be a revolving fund, for funding  
10 the operations of the program. All jail industry income shall be  
11 deposited in, and any prisoner compensation shall be paid to the  
12 account of the prisoner from, the Jail Industries Fund.

13 SEC. 6. Section 4329 of the Penal Code is repealed.

14 SEC. 7. Section 4497.50 of the Penal Code is amended to read:

15 4497.50. In order to be eligible to receive funds derived from  
16 the issuance of General Obligation Bonds under the County  
17 Correctional Facility Capital Expenditure and Youth Facility Bond  
18 Act of 1988, a county or city and county shall do all *of* the  
19 following:

20 (a) In the design and planning of facilities whose construction,  
21 reconstruction, or remodeling is financed under the County  
22 Correctional Facility Capital Expenditure and Youth Facility Bond  
23 Act of 1988, products for construction, renovation, equipment,  
24 and furnishings produced and sold by the Prison Industry Authority  
25 or local Jail Industry Authorities shall be utilized in the plans and  
26 specifications unless the county or city and county demonstrates  
27 either of the following to the satisfaction of the Board of State and  
28 Community Corrections or the Department of Corrections and  
29 Rehabilitation, Division of Juvenile Justice.

30 (1) The products cannot be produced and delivered without  
31 causing delay to the construction of the property.

32 (2) The products are not suitable for the facility or competitively  
33 priced and cannot otherwise be reasonably adapted.

34 (b) Counties and cities and counties shall consult with the staff  
35 of the Prison Industry Authority or local Jail Industry Authority  
36 to develop new products and adapt existing products to their needs.

37 (c) The Board of State and Community Corrections or the  
38 Department of Corrections and Rehabilitation, Division of Juvenile  
39 Justice, shall not enter into any contract with any county or city  
40 and county until that county's or city and county's plan for

1 purchase from and consultation with the Prison Industry Authority  
2 or local jail industry program is reviewed and approved by the  
3 Board of State and Community Corrections or the Department of  
4 Corrections and Rehabilitation, Division of Juvenile Justice.

5 SEC. 8. Section 4497.52 of the Penal Code is amended to read:

6 4497.52. Notwithstanding any other provision of law, a county  
7 or city and county may contract for the purchase of products as  
8 specified in Section 4497.50 with the Prison Industry Authority  
9 or local Jail Industry Authority without the formality of obtaining  
10 bids or otherwise complying with provisions of the Public Contract  
11 Code.

12 SEC. 9. The Legislature finds and declares that a special law  
13 is necessary and that a general law cannot be made applicable  
14 within the meaning of Section 16 of Article IV of the California  
15 Constitution because of the unique needs of the Counties of Los  
16 Angeles, Sacramento, San Diego, San Joaquin, *San Luis Obispo*,  
17 Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura.